

**From:** Karl J. Smith  
**To:** Microsoft ATR, karl@karl.com@inetgw  
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**Subject:** Microsoft Settlement

The following is my comment about the proposed Microsoft Settlement under the Tunney Act:

First, let me state that I agree completely with Dan Kegel's comments about the issues at <http://www.kegel.com/remedy/remedy2.html>. He has done a great job summarizing the many problems with the proposed settlement.

In particular, however, I feel that the public will be harmed most by the fact that the proposed settlement doesn't account for any potential Open-Source competition. It allows Microsoft to decide which entities it's required to share documentation with, and has too many exceptions for Microsoft to use as reasons for not documenting their protocols and API's. Given that Microsoft has a documented history of refusing to cooperate, this portion of the settlement is not very helpful at all in restoring competition, and interoperability of protocols and data is absolutely required for any real competition to exist.

The settlement is not in the public interest, for the many many reasons listed above.

Sincerely,

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